

marketing order, and approximately 19 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000. The majority of South Texas melon producers and handlers may be classified as small entities.

The budget of expenses for the 1994–95 fiscal period was prepared by the South Texas Melon Committee, the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the Committee are producers and handlers of South Texas melons. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of South Texas melons. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

Committee administrative expenses of \$207,500 for personnel, office, and compliance expenses were recommended in a mail vote. The assessment rate and funding for the research projects were to be recommended at a later Committee meeting. The Committee administrative expenses of \$207,500 were published in the **Federal Register** as an interim final rule November 15, 1994 (59 FR 58760). That interim final rule added § 979.217, authorizing expenses for the Committee, and provided that interested persons could file comments through December 15, 1994. No comments were filed.

The Committee subsequently met on December 13, 1994, and unanimously recommended an increase of \$9,700 for administrative expenses, plus \$158,426 in research expenses, for a total budget of \$375,626. Budget items for 1994–95 which have increased compared to those budgeted for 1993–94 (in parentheses) are: Office salaries, \$22,000 (\$15,600), insurance, \$6,250 (\$5,250), accounting and audit, \$2,600 (\$2,300), rent and utilities, \$6,000 (\$4,000), disease management programs, \$86,716 (\$82,000), melon breeding and cultivar development, \$43,824 (\$23,118), and

variety evaluation, \$9,186 (\$8,460). Items which have decreased compared to the amount budgeted for 1993–94 (in parentheses) are: Insect management programs, \$18,700 (\$34,390), and \$3,823 for cultural practices for which no funding was recommended this year. All other items are budgeted at last year's amounts.

The initial 1994–95 budget, published on November 15, 1994, did not establish an assessment rate. Therefore, the Committee also unanimously recommended an assessment rate of \$0.07 per carton. This rate, when applied to anticipated shipments of approximately 45,000 cartons, will yield \$315,000 in assessment income, which, along with \$60,626 from the reserve, will be adequate to cover budgeted expenses. Funds in the reserve as of November 30, 1994, were \$367,369, which is within the maximum permitted by the order of two fiscal periods' expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period began on October 1, 1994, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable melons handled during the fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to that taken for the 1993–94 fiscal period; and (4) this interim final rule provides a 30-day comment period, and all comments

timely received will be considered prior to finalization of this action.

#### List of Subjects in 7 CFR Part 979

Marketing agreements, Melons, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 979 is amended as follows:

#### PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 979 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 979.217 is revised to read as follows:

**Note:** This section will not appear in the Code of Federal Regulations.

#### § 979.217 Expenses and assessment rate.

Expenses of \$375,626 by the South Texas Melon Committee are authorized and an assessment rate of \$0.07 per carton is established for the fiscal period ending September 30, 1995. Unexpended funds may be carried over as a reserve.

Dated: January 24, 1995.

**Sharon Bomer Lauritsen,**  
Deputy Director, Fruit and Vegetable Division.  
[FR Doc. 95–2215 Filed 1–27–95; 8:45 am]  
BILLING CODE 3410–02–P

#### 7 CFR Part 982

[Docket No. FV94–982–3IFR]

#### Filberts/Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Retriected Percentages for the 1994–95 Marketing Year

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule establishes interim and final free and restricted percentages for domestic inshell filberts/hazelnuts for the 1994–95 marketing year under the Federal marketing order for filberts/hazelnuts grown in Oregon and Washington. The percentages allocate the amounts of domestically produced filberts/hazelnuts which may be marketed in domestic, export, and other outlets. The percentages are intended to stabilize the supply of domestic inshell filberts/hazelnuts in order to meet the limited domestic demand for such filberts/hazelnuts and provide reasonable returns to producers. This rule was

recommended by the Filbert/Hazelnut Marketing Board (Board), which is the agency responsible for local administration of the order.

**DATES:** Effective July 1, 1994 through June 30, 1995. Comments which are received by March 1, 1995 will be considered prior to any finalization of the interim final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2525-S, P.O. Box 96456, Washington, DC 20090-6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Teresa L. Hutchinson, Marketing Specialist, Northwest Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, 1220 SW Third Ave., Room 369, Portland, OR 97204; telephone (503) 326-2725 or Mark A. Slupek, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2536-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 205-2830.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 982 [7 CFR part 982], both as amended, regulating the handling of filberts/hazelnuts grown in Oregon and Washington. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601-674], hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is intended that this action apply to all merchantable filberts/hazelnuts handled during the 1994-95 marketing year. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or

any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 1,000 producers of filberts/hazelnuts in the production area and approximately 25 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000. The majority of handlers and producers of filberts/hazelnuts may be classified as small entities.

The Board's recommendation and this interim final rule are based on requirements specified in the order. This rule establishes the amount of inshell filberts/hazelnuts that may be marketed in domestic markets. The domestic outlets for this commodity are characterized by limited demand, and the establishment of interim and final free and restricted percentages will benefit the industry by promoting stronger marketing conditions and stabilizing prices and supplies, thus improving grower returns.

The Board is required to meet prior to September 20 of each marketing year to compute an inshell trade demand and preliminary free and restricted percentages, if the use of volume regulation is recommended during the

season. The order prescribes formulas for computing the inshell trade demand, as well as preliminary, interim final, and final percentages. The inshell trade demand establishes the amount of inshell filberts/hazelnuts the handlers may ship to the domestic market throughout the season, and the percentages release the volume of filberts/hazelnuts necessary to meet the inshell trade demand. The preliminary percentages provide for the release of 80 percent of the inshell trade demand. The interim final percentages release 100 percent of the inshell trade demand. The inshell trade demand equals the average of the preceding three "normal" years' trade acquisitions of inshell filberts/hazelnuts, rounded to the nearest whole number. The Board may increase such figure by no more than 25 percent, if market conditions warrant such an increase. The final free and restricted percentages release an additional 15 percent of the average of the preceding three years' trade acquisitions of inshell filberts/hazelnuts for desirable carryout.

The preliminary free and restricted percentages make available portions of the filbert/hazelnut crop which may be marketed in domestic inshell markets (free) and exported, shelled, or otherwise disposed of (restricted) early in the 1994-95 season. The preliminary free percentage is expressed as a percentage of the total supply subject to regulation and is based on preliminary crop estimates. The majority of domestic inshell filberts/hazelnuts are marketed in October, November, and December. By November, the marketing season is well under way.

At its August 25, 1994, meeting, the Board computed and announced preliminary free and restricted percentages of 16 percent and 84 percent, respectively, to release 80 percent of the inshell trade demand. The purpose of releasing only 80 percent of the inshell trade demand under the preliminary percentage was to guard against underestimates of crop size. The preliminary free percentage released 3,020 tons of filberts/hazelnuts from the 1994 crop for domestic inshell use. The preliminary restricted percentage is 100 percent minus the free percentage.

On or before November 15, the Board must meet again to recommend interim final and final percentages. The Board uses current crop estimates to calculate the interim final and final percentages. The interim final percentages are calculated in the same way as the preliminary percentages and release 100 percent of the inshell trade demand previously computed by the Board for

the marketing year. Final free and restricted percentages release an additional 15 percent of the average of the preceding three years' trade acquisitions to provide an adequate carryover into the following season. The final free and restricted percentages must be effective at least 30 days prior to the end of the marketing year (July 1 through June 30), or earlier, if recommended by the Board and approved by the Secretary. In addition, revisions in the marketing policy can be made until February 15 of each marketing year. However, the inshell trade demand can only be revised upward.

In accordance with order provisions, the Board met on November 8, 1994, reviewed and approved an amended marketing policy and recommended the establishment of interim final and final free and restricted percentages. Interim final percentages were recommended at 19 percent free and 81 percent restricted, and final free and restricted

percentages were recommended at 23 percent and 77 percent, respectively. The interim final percentages make an additional 208 tons of inshell filberts/hazelnuts available for the domestic inshell market. The interim final marketing percentages are based on the industry's final production estimates and release 3,775 tons to the domestic inshell market from the 1994 supply subject to regulation. The final marketing percentages release an additional 626 tons from the 1994 crop for domestic use. Thus, a total of 4,401 tons of inshell filberts/hazelnuts will be available from the 1994 supply subject to regulation for domestic use when the final percentages are established. The Oregon Agricultural Statistics Service (OASS) provided an early estimate of 19,000 tons total filbert/hazelnut production for the Oregon and Washington area. The Board unanimously voted to accept the OASS estimate of 19,000 tons.

The Board determined that the inshell domestic market conditions would allow more supply without depressing the market and recommended immediate release of the additional 15 percent (the final percentages). The Board believed that the immediate release of filberts/hazelnuts by the final percentages would benefit the industry with increased returns to growers and more inshell filberts/hazelnuts available for consumers.

The marketing order also requires that, procedurally, the Board recommend interim final and final percentages. Therefore, the interim final percentages were recommended even though they will not be utilized this marketing season.

The marketing percentages are based on the Board's production estimates and the following supply and demand information for the 1994-95 marketing year:

		Tons
<b>Inshell Supply</b>		
(1) Total production (OASS estimate) .....		19,000
(2) Less substandard, farm use (disappearance) .....		1,083
(3) Merchantable production (the Board's adjusted crop estimate) .....		17,917
(4) Plus undeclared carryin as of July 1, 1994, subject to regulation .....		1,527
(5) Supply subject to regulation (Item 3 plus Item 4) .....		19,444
<b>Inshell Trade Demand</b>		
(6) Average trade acquisitions of inshell filberts/hazelnuts for three prior years .....		4,170
(7) Increase to encourage increased sales (5 percent of Item 6) .....		208
(8) Less declared carryin as of July 1, 1994, not subject to regulation .....		603
(9) Adjusted Inshell Trade Demand .....		3,775
(10) 15 percent of the average trade acquisitions of inshell filberts/hazelnuts for three prior years (Item 6) .....		626
(11) Adjusted Inshell Trade Demand plus 15 percent for carryout (Item 9 plus Item 10) .....		4,401
<b>Percentages</b>		
	<b>Free</b>	<b>Restricted</b>
(12) Interim final percentages (Item 9 divided by Item 5)×100 .....	19	81
(13) Final percentages (Item 11 divided by Item 5)×100 .....	23	77

In addition to complying with the provisions of the marketing order, the Board also considers the Department's 1982 "Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders" (Guidelines) when making its computations in the marketing policy. This volume control regulation provides a method to collectively limit the supply of inshell filberts/hazelnuts available for sale in domestic markets. The Guidelines provide that the domestic inshell market have available a quantity equal to 110 percent of prior years' shipments in those outlets before secondary market allocations are approved. This provides for plentiful supplies for consumers and for market expansion while retaining the mechanism for dealing with oversupply

situations. At its August 25, 1994, meeting, the Board recommended that an increase of 5 percent (208 tons) for market expansion be included in the inshell trade demand. The established final percentages, which release 100 percent of the inshell trade demand, will make available 4,401 tons from the 1994 crop plus 603 tons of declared carryin which is 120 percent of prior years' sales, thus exceeding the goal of the Guidelines.

Based on the above, the Administrator of the AMS has determined that this interim final rule will not have a significant economic impact on a substantial number of small entities. Written comments, timely received in response to this action, will be considered before finalization of this rule.

After consideration of all available information, it is found that the establishment of interim final and final free and restricted percentages, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The 1994-95 marketing year began July 1, 1994, and the percentages established herein apply to all merchantable filberts/hazelnuts handled from the beginning of the crop year; (2) handlers are aware of this rule,

which was recommended at an open Board meeting, and need no additional time to comply with this rule; and (3) interested persons are provided a 30-day comment period in which to respond. All comments timely received will be considered prior to finalization of this action.

#### **List of Subjects in 7 CFR Part 982**

Filberts, Hazelnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 982 is amended as follows:

#### **PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON**

1. The authority citation for 7 CFR part 982 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 982.243 is added to read as follows:

**Note:** This section will not be published in the annual Code of Federal Regulations.

#### **§ 982.243 Free and restricted percentages—1994–95 marketing year.**

(a) The interim final free and restricted percentages for merchantable filberts/hazelnuts for the 1994–95 marketing year shall be 19 and 81 percent, respectively.

(b) The final free and restricted percentages for merchantable filberts/hazelnuts for the 1994–95 marketing year shall be 23 and 77 percent, respectively.

Dated: January 24, 1995.

**Sharon Bomer Lauritsen,**  
*Deputy Director, Fruit and Vegetable Division.*  
[FR Doc. 95–2214 Filed 1–27–95; 8:45 am]  
BILLING CODE 3410–02–P

### **SMALL BUSINESS ADMINISTRATION**

#### **13 CFR Part 101**

##### **Administration**

**AGENCY:** Small Business Administration.  
**ACTION:** Final rule.

**SUMMARY:** This action is necessary to reflect internal changes which have occurred in the Small Business Administration (SBA). This revision will enhance SBA's ability to process Small Business Institute (SBI) Grants. The SBA is hereby revising its delegation of authority to allow District Directors to execute SBI grants up to \$25,000.

**EFFECTIVE DATE:** January 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Sharon Gurley, Director, Office of Procurement and Grants Management, 202/206–6622.

#### **List of Subjects in 13 CFR Part 101**

Administration.

For the reasons set forth above, part 101 of title 13, Code of Federal Regulations (CFR), is amended as follows.

#### **PART 101—ADMINISTRATION**

1. The Authority citation for Part 101 continues to read as follows:

**Authority:** Secs. 4 and 5, Pub. L. 85–536, 72 Stat. 384 and 385 (15 U.S.C. 633 and 634, as amended); sec. 308, Pub. L. 85–699, 72 Stat. 694 (15 U.S.C. 687, as amended); sec. 5(b)(11), Pub. L. 93–386 (Aug. 23, 1974); and 5 U.S.C. 552.

2. Part X of Section 101.3–2 is amended by adding a new paragraph 3 to read as follows:

#### **§ 101.3–2 Delegations of authority to conduct program activities in field offices.**

\* \* \* \* \*

#### **Part X—Administrative**

\* \* \* \* \*

3. To execute Small Business Institute Grants authorized by the Small Business Act and in accordance with applicable regulations and OMB Circulars. This authority is non-delegable.

District Directors.....Up to \$25,000

Dated: January 23, 1995.

**Philip Lader,**  
*Administrator.*

[FR Doc. 95–2147 Filed 1–27–95; 8:45 am]  
BILLING CODE 8025–01–M

### **DEPARTMENT OF TRANSPORTATION**

#### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 94–NM–248–AD; Amendment 39–9125; AD 95–01–51]

#### **Airworthiness Directives; Airbus Model A300, A300–600, A310, A330, and A340 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) T95–01–51 that was sent previously to all known U.S. owners and operators of Airbus Model A300, A300–600, A310,

A330, and A340 series airplanes by individual telegrams. This AD requires an inspection of the sliding side windows in the cockpit to identify the part number of the windows. For airplanes on which a certain suspect window is installed, this AD requires either deactivation of the sliding window defogging system; or installation of thermo-sensitive indicators, daily inspections of those indicators, and deactivation of the defogging system, if necessary; or replacement of the window with a serviceable window. This amendment is prompted by reports of fracture of the sliding side window in the cockpit, due to thermal stress created by overheating of the wires of the heating element in a localized area. The actions specified by this AD are intended to prevent such fractures, which could lead to rupture of a cockpit sliding window and subsequent rapid decompression of the fuselage.

**DATES:** Effective February 14, 1995, to all persons except those persons to whom it was made immediately effective by telegraphic AD T95–01–51, issued December 29, 1994, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 14, 1995.

Comments for inclusion in the Rules Docket must be received on or before March 31, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–248–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The applicable service information may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Stephen Slotte, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1320.

**SUPPLEMENTARY INFORMATION:** On December 29, 1994, the FAA issued telegraphic AD T95–01–51, applicable to all Airbus Model A300, A300–600,